



Docket No.: IQB-0007C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 4941

Pierre COTE

Group Art Unit: 2624

Serial No.: 10/699,679

Examiner: Couso, Yon Jung

Filed: November 4, 2003

Customer No.: 34610

:

For: METHOD AND APPARATUS FOR ENCODING/DECODING IMAGE
DATA

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

The owner, IQ Biometrix, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on second pending Application No. 10/699,681, filed on November 4, 2003. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

05/03/2006 SZEWIDEI 00000148 10699679

02 FC:2814

65.00 OP

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted on the second application, as presently shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by an terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney of record and therefore the certification under 37 C.F.R. §3.73(b) is not required.

An amount of \$65.00 (Check No. 17548) for the terminal disclaimer fee under 37 C.F.R. §1.20(d) is included. Please charge any shortage in fees due in connection with the filing of this

U.S. Serial No.: 10/699,679

Docket No.: IQB-0007C1

paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Rene A. Vazquez, Esq.
Registration No. 38,647

Samuel W. Ntiros, Esq.
Registration No. 39,318

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 RAV/SWN/lm
Date: MAY 2, 2006

Please direct all correspondence to Customer Number 34610

Q:\Documents\2174-024\92938